



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/780,543

02/17/2004

Ralph Burgstahler

BURGSTAHLER

7469

20151 7590 02/02/2006

HENRY M FEIEREISEN, LLC
350 FIFTH AVENUE
SUITE 4714
NEW YORK, NY 10118

EXAMINER

MASINICK, MICHAEL D

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,543	Applicant(s) BURGSTAHLER ET AL.	
	Examiner Michael D. Masinick	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments and arguments have been reviewed and are found to be non-persuasive. The language used by applicant in the claims is vague and can be interpreted a number of ways. The term "processing unit" as used in claim 1 can be taken to mean any computer, computer card, memory system, processor, calculator, or any other type of data manipulation system. The term "integrated" can be determined to mean "forming a data connection to" and is not further defined by applicant. Figure 2 of applicant's drawing does not clearly define the integration as noted by applicant in the arguments presented.

While it is clear that applicant's invention is different from the prior art of record, the claims in this case do not clearly state the metes and bounds of the invention in order to define applicant's invention over the prior art of record.

Examiner notes that claims 13 and 14 were added to the application in the amendment filed 8/5/2005. As these claims have never been cancelled, they are considered to be active claims in this case and are rejected as such below. These claims were not mentioned by applicant in the response after filing of RCE.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2125

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9, 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,247,450 to Clark et al.

1. Referring to claim 1, Clark shows a method for controlling a glass forming machine, said glass forming machine, said glass forming machine comprising a plurality of processing units (Column 1, lines 16-20 and Figure 1), the method comprising the steps of: providing at least one integrated bus system ("Data Cable 25" – figure 1 and Column 3, lines 29-65); providing a central controller integrated with one or more of the processing units ("Master controller 10 includes timing control modules" Column 3, line 10); said central controller and the plurality of processing units connected to the integrated bus system (figure 1); and the central controller transmitting at least one of parameterization data and synchronization data ("timing control" - Column 3, lines 14-18) via the integrated bus system.

2. Referring to claim 2, Clark shows a plurality of cams, and the central controller centrally manages the plurality of cams. Examiner notes that cams is taken to mean "computer aided manufacturing machines" as this is the accepted meaning of the term in the art and the specification has not established another meaning. This computer aided manufacturing is clearly shown in Clark although it is not referred to as a "cam" at column 1, line 33 which notes "individual control computers" for each section component.

3. Referring to claim 3, Clark shows where certain cams of the plurality of cams are prioritized (Column 5, lines 37-53).

4. Referring to claim 4, see rejection of claim 1. Note the discussion of the term "CAM" above with relation to claim 2.

Art Unit: 2125

5. Referring to claim 5, see rejection of claim 3.
6. Referring to claim 7, see rejection of claim 1.
7. Referring to claim 8, see rejection of claim 2.
8. Referring to claim 9, see rejection of claim 1. Note the discussion of the term "CAM" above with relation to claim 2.
9. Referring to claims 11 and 12, Clark shows wherein the device is an automation component which includes control functionality ("electronic timing control system" – Abstract).
10. Referring to claims 13 and 14, Clark shows motion control data ("motion control" – figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2125

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael D Masinick
Examiner
Art Unit 2125

MDM, Jan 30, 2006